

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE  
VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL,  
ON WEDNESDAY, MAY 3, 2000.**

**Members Present:** Peter Lilienfield, Chairman  
William Hoffman  
Jay Jenkins, Secretary  
Allen Morris  
Patrick Natarelli

**Also Present:** Lino J. Sciarretta, Village Counsel  
Brenda Livingston, Ad Hoc Planning Board Member  
Richard Fon, Building Inspector  
Florence Costello, Planning Board Clerk  
Jan Blaire, Environmental Conservation Board  
Applicants and other persons mentioned in these Minutes  
Members of the Public.

**IPB Matters**

**Considered:** **94-03 -- Westwood Development Associates, Inc.**  
Broadway, Riverview Road & Mountain Road  
**98-44 -- Ciccio & Chernick**  
Riverview Road  
**00-14 -- Jack & Judith Wazen**  
33 Ardsley Avenue West  
**00-15 -- Andrew & Katherine O'Connor**  
9 Irving Place  
**00-16 -- Larry & Lissa Siever**  
24 Manor Pond Lane  
**00-17 -- Mark & Amy Tercek**  
8 Hancock Place

The Chairman called the meeting to order at 8:00 p.m.

**Administrative:**

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees.

**IPB Matter #98-44:**

**Application of Joseph & Denise Ciccio and Mitchell & Sheri Chernick for subdivision of property at Riverview Road.**

Norman Sheer, Esq., attorney for the Applicant, appeared for the Applicant to continue the public hearing on this Application. The Chairman responded that he and Mr. Natarelli met with the Village Board of Trustees regarding the proposed de-mapping of a portion of Riverview Road and confirmed that he advised the Board of Trustees that the Planning Board recommends that steps be taken to avoid the use of Riverview Road as a "through" street. The Board of Trustees requested that the Planning Board retain an independent consultant to review the specific size and location of any cut in Riverview Road and to analyze the consequences and to propose any alternatives. A proposed Scope of Services for such consultant has been distributed to the Board members for their review and comment. The Chairman also provided to the members of the Planning Board a draft letter requesting responses to various issues addressed to counsel to the Applicant.

Mr. Sheer responded that he is continuing discussions with Westwood Development Associates about a possible sewer hook-up.

This public hearing was adjourned to the June 7, 2000 meeting of the Planning Board.

**IPB Matter #94-03:**

**Application of Westwood Development Associates, Inc., for Limited Site Development Plan Approval for property at Broadway, Riverview Road and Mountain Road.**

Charles Pateman appeared for the Applicant. The proceeding was a continuation of the Public Hearing on the Westwood Development project, although no transcript was prepared at Mr. Pateman's request due to the anticipated short duration of the meeting.

Village Counsel responded that the Board of Trustees had adopted an ordinance in conjunction with Section 7-738 of the Village Law allowing the Planning Board to modify selected existing land use regulations, if the Planning Board determines such deviation to be appropriate. The Chairman noted that he had yet to receive a copy of such ordinance, and that such modifications would be applied in a minimal number of instances, where warranted. Mr. Pateman confirmed that Westwood is continuing preparation of drawings with all engineering details.

The public hearing was continued to the Board's June 7, 2000 meeting.

**IPB Matter #2000-14:**

**Application of Jack & Judith Wazen for Waiver  
of Site Development Plan Approval for property  
at 33 Ardsley Avenue West.**

Leonard Sieverding appeared for the Applicant. The Applicant presented evidence of mailing of Notice to Affected Property Owners. The Application relates to the proposed enclosure of an existing porch of approximately 112 square feet and the related enclosure of certain space between the existing garage and residence, increasing the footprint by 55 square feet. Mr. Mastromonaco had no material engineering concerns and there were no comments from the public. The Board noted that a variance from the Zoning Board of Appeals may be required.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application, subject in all events to receipt by Applicant of a variance that may be required from the Zoning Board of Appeals.

**IPB Matter #2000-15:**

**Application of Andrew & Katherine O'Connor for  
Amendment of Plan as to which Waiver was  
previously granted at 9 Irving Place.**

John Deans appeared for the Applicant. The Applicant presented evidence of mailing of Notice to Affected Property Owners. The Application relates to a revised plan that had been previously approved. The revision eliminates a porch structure, but changes the enclosed

area by more than 15%. The Board concluded that while the increase from the previously approved plan is immaterial, the aggregate increase from the original proposal exceeds 15% and, accordingly, Site Plan Approval (and not a Waiver) is required. The Board determined that the application was complete, and set a public hearing on Site Plan Approval for the June 7th meeting. Mr. Mastromonaco had no engineering concerns and there were no comments from the public.

This Application was adjourned to the June 7, 2000 meeting.

**IPB Matter #2000-16:**

**Application of Larry & Lissa Siever for Waiver  
of Site Development Plan Approval for property  
at 24 Manor Pond Lane.**

Walter Nestler appeared for the Applicant. The Applicant presented evidence of mailing of Notice to Affected Property Owners. The Application relates to the proposed construction of a pool. Mr. Mastromonaco's comments regarding disposal of rock and noise abatement were noted and are incorporated by reference herein. There were no comments from the public.

The Board questioned Mr. Nestler regarding drainage of the pool and Mr. Nestler represented that, as described in the drawings, drainage will comply with all Village ordinances.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan Submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

**IPB Matter #2000-17:**

**Application of Mark & Amy Tercek for Waiver  
of Site Development Plan Approval for property  
at 8 Hancock Place.**

Mr. Anthony Schembri appeared for the Applicant. The Applicant presented evidence of mailing of Notice to Affected Property Owners. It was noted that the Old Croton Trailway State Park (Aqueduct) had not been notified in writing, but the applicant presented a letter from Brian Goodman, Historic Site Manager, confirming no objection to the plan, this was considered sufficient to allow the application to be heard and the Planning Board to render a decision. The Application relates to a proposed porch expansion, in significant part to reduce an existing hazardous condition. Mr. Mastromonaco had no engineering concerns. There were no comments from the public.

The Board noted that a variance from the Zoning Board of Appeals may be required.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application, subject in all events to receipt by Applicant of all variances that may be required from the Zoning Board of Appeals.

- The Minutes for the Planning Board meetings on February 16, 2000, March 1, 2000 and April 5, 2000 were approved.

- The Chairman reported that he and Mr. Jenkins met on May 2, 2000 with the President of Mercy College and her assistant. There was a general discussion at that meeting of the College's upcoming request for extension of its special permit.
- The next regular meeting of the Planning Board was scheduled for June 7, 2000.

There being no further business, the meeting was adjourned.

Respectfully submitted,

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Jay Jenkins, Secretary